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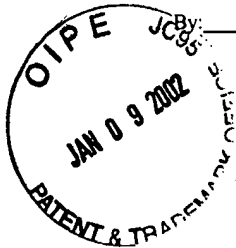
PATENT
Atty. Docket No.: 023070-095600US
UC Case No.: 99-158-1

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TOWNSEND and TOWNSEND and CREW LLP



Jill R. Clarke
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WILKINS, Thea A.

Application No.: 09/453,387

Filed: December 2, 1999

For: COTTON TRANSCRIPTION
FACTORS AND THEIR USES

Examiner: Kruse, D.

Art Unit: 1638

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In the Office Action mailed July 24, 2001, the Examiner required Applicants to elect one nucleic acid and corresponding encoded protein for prosecution in this application. Applicants elect with traverse to prosecute the claims directed to SEQ ID NOs: 1 and 2 (GhMyb1). According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that

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Official Copy D. Kruse
January 22, 2002

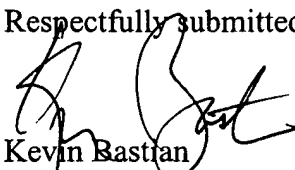
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searching would require different fields of search (MPEP at § 808.02). Applicants respectfully submit that all of the sequences in the present application can readily be searched without undue burden.

In light of the above, Applicants respectfully request that the restriction be withdrawn. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,


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